

WATERWORKS AND WASTEWATER WORKS OPERATORS REGULATIONS

18VAC160-20-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

"Board" means the Board for Waterworks and Wastewater Works Operators.

"Category" means the two divisions of waterworks and wastewater works operators' licenses, one being waterworks and the second being wastewater works.

"Classification" means the divisions of each category of waterworks and wastewater works operators' licenses into classes where Class "I" represents the highest classification.

"Classified facility" means a waterworks that has been granted a classification by the Virginia Department of Health or a wastewater works that has been granted a classification by the Virginia Department of Environmental Quality.

~~"[Conditional licensee" means an individual holding a valid [conditional provisional] license issued by the board.]~~

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~~“Conditional licensure” or “conditional license” means a method of regulation whereby the Commonwealth recognizes an individual as having met specific standards but is not authorized to operate a classified facility until he has met the remaining requirements for licensure and has been issued a license.~~

"Contact hour" means 50 minutes of participation in a structured training activity.

"Continuing Professional Education (CPE)" means participation in a structured training activity that enables a licensed waterworks operator to maintain and increase the competence required to assure the public's protection.

"Department" means the Virginia Department of Professional and Occupational Regulation.

"Experience" means time spent learning how to physically and theoretically operate the waterworks or wastewater works as an operator-in-training or time spent operating a waterworks or wastewater works for which the operator is currently licensed.

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"Licensed operator" means an operator with a license in the category and with a classification equal to or higher than the classification of the waterworks or wastewater works being operated.

"Licensee" means an individual holding a valid license issued by the board.

"Licensure" means a method of regulation whereby the Commonwealth, through the issuance of a license, authorizes a person possessing the character and minimum skills to engage in the practice of a profession or occupation that is unlawful to practice without a license.

"Non-classified facility" means a facility [located in Virginia] that has not been classified by the Virginia Department of Health or a facility that has not been classified by the Virginia Department of Environmental Quality.

"Operate" means any act of an individual, which may impact on the finished water quality at a waterworks or the plant effluent at a wastewater works.

"Operating staff" means individuals employed or appointed by an owner to work at a waterworks or wastewater works.

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"Operator" means any individual employed or appointed by any owner, and who is designated by such owner to be the person in responsible charge, such as a supervisor, a shift operator, or a substitute in charge, and whose duties include testing or evaluation to control waterworks or wastewater works operations. Not included in this definition are superintendents or directors of public works, city engineers, or other municipal or industrial officials whose duties do not include the actual operation or direct supervision of waterworks or wastewater works.

"Operator-in-training" means an individual employed by an owner to work under the direct supervision and direction of an operator holding a valid license in the proper category and classification for the purpose of gaining experience and knowledge in the duties and responsibilities of an operator of a waterworks or wastewater works. An operator-in-training is not an operator.

"Owner" means the Commonwealth of Virginia, or any political subdivision thereof, any public or private institution, corporation, association, or any other entity organized or existing under the laws of this Commonwealth or of any other state or nation, or any person or group of persons acting individually or as a group, who own, manage, or maintain waterworks or wastewater works.

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“[Provisional licensee” means an individual holding a valid provisional license issued by the board.]

“[Provisional licensure” or “provisional license” means a method of regulation whereby the Commonwealth recognizes an individual as having met specific standards but is not authorized to operate a classified facility until he has met the remaining requirements for licensure and has been issued a license.]

"Renewal" means continuing the effectiveness of a license for another period of time.

"Responsible charge" means the designation by the owner of any individual to have the duty and the authority to operate a waterworks or wastewater works.

"Structured training activity" means a formal educational process designed to permit a participant to learn a given subject or subjects through interaction with an instructor in a course, seminar, conference or other performance-oriented format.

"Wastewater works" means a system of (i) sewerage systems or sewage treatment works serving more than 400 persons, as set forth in § 62.1-44.18 of the Code of Virginia; (ii) sewerage systems or sewage treatment works serving

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fewer than 400 persons, as set forth in § 62.1-44.18 of the Code of Virginia, if so certified by the State Water Control Board; and (iii) facilities for discharge into state waters of industrial wastes or other wastes, if certified by the State Water Control Board.

"Waterworks" means a system that serves piped water for drinking or domestic use to (i) at least 15 connections or (ii) at least 25 of the same individuals for more than six months out of the year. The term waterworks shall include all structures, equipment, and appurtenances used in the storage, collection, purification, treatment and distribution of pure water, except the piping and fixtures inside the building where such water is delivered.

18VAC160-20-74. License required.

- A. To serve as an operator of a waterworks or wastewater works, it shall be necessary to hold a valid license issued by the board for a classification equal to or greater than the classification of the waterworks or wastewater works to be operated and in the appropriate category. Issuance of a new classification of license shall void all previously issued licenses in the same category. No licensee shall hold two licenses of different

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classifications in the same category. The board shall issue a license only after an individual has met all experience and examination requirements as set forth in this chapter.

- B. ~~Conditional~~ Provisional licensure shall not authorize an individual to serve as the operator of a classified facility.

18VAC160-20-95. ~~Conditional~~ Provisional licensure.

- A. Each person desiring ~~conditional~~ provisional licensure shall make application in accordance with 18VAC160-20-76 and shall meet all of the requirements 18VAC160-20-90 except that the experience requirement may be met through experience gained as an operator of a non-classified facility provided that:

1. The experience is obtained at a non-classified facility that is comparable in size and in the treatment processes used to those facilities described in 18VAC160-20-120 in the case of waterworks or to those facilities described in 18VAC160-20-130 in the case of wastewater works.

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2. The experience is obtained while performing actual facility operation duties that provide experience comparable to that obtained at a classified facility. Experience limited solely to the operation and maintenance of wastewater collection systems and water distribution systems, laboratory work, plant maintenance and other nonoperating duties shall not be counted as qualifying experience. Except that experience limited to water distribution system operation and maintenance at a non-classified facility that is comparable to a facility classified as a Class V or Class VI waterworks may be counted for a ~~conditional~~ provisional] Class V or Class VI license.
- B. Each applicant meeting the requirements of subsection A of this section shall be eligible to sit for the operator examination for the category and class of operator license that is comparable to the non-classified facility where the experience was obtained ~~[and shall be issued a conditional license upon obtaining a passing score on the examination].~~ The provisional license shall not be issued until all applicable requirements have been met and satisfactorily verified.]

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C. Each individual holding [~~conditional~~ provisional] licensure may apply for licensure by submitting evidence of having met fifty percent of the experience required by 18VAC160-20-90.

18VAC160-20-104. Maintenance of license.

- A. The licensee or [~~conditional~~ provisional] licensee shall notify the board in writing within 30 days of any change of name or address.
- B. All licensees and [~~conditional~~ provisional] licensees shall operate under the name in which the license is issued.

18VAC160-20-106. Renewal.

- A. Licenses and [~~conditional~~ provisional] licenses for waterworks operators shall expire on the last day of February of each odd-numbered year.
Licenses and [~~conditional~~ provisional] licenses for wastewater works operators shall expire on the last day of February of each even-numbered year.

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- B. The Department of Professional and Occupational Regulation shall mail a renewal notice to the licensee and the [conditional provisional] licensee outlining the procedures for renewal. Renewal notices shall be mailed to the licensee and to the [conditional provisional] licensee at the last known address of record. Failure to receive written notice shall not relieve the licensee or the [conditional provisional] licensee of the obligation to renew and pay the required fee outlined in 18VAC160-20-102.
- C. Each licensee and [conditional provisional] licensee applying for renewal shall return the renewal notice, fee, and, in the case of waterworks licensees and [conditional provisional] licensees only, a statement that the applicant for license renewal has met the CPE requirement established in 18VAC160-20-109 prior to the expiration date shown on the license. If the licensee or [conditional provisional] licensee fails to receive the renewal notice, a copy of the expired license or [conditional provisional] license may be submitted in place of the renewal notice along with the required fee and, in the case of waterworks licensees and [conditional provisional] licensees only, a statement that the licensee or [conditional provisional] licensee has met the CPE requirement in 18VAC160-20-109.

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- D. The date on which the renewal fee and any required forms are actually received by the board or its agent shall determine whether an additional fee is due.
- E. If the requirements of subsection C of this section are met more than 30 days but less than 12 months after the expiration date on the license or [conditional provisional] license, a late penalty fee shall be required as established in 18VAC160-20-102. The date on which the renewal application, any required documentation and the required fees are actually received by the board or its agent shall determine whether the licensee or [conditional provisional] licensee is eligible for renewal and whether an additional fee is due.
- F. Any individual who fails to renew his license or [conditional provisional] license within 12 months after the expiration date printed on the license or the [conditional provisional] license, as appropriate, shall apply for a new license by examination or for a new [conditional provisional] license in accordance with Part II (18VAC160-20-74 et seq.) of this chapter. Such individual shall be deemed to be eligible to sit for the examination for the same category and class of license as the expired license or [conditional provisional] license.

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G. The board may deny renewal of a license or ~~[conditional]~~ provisional] license for the same reasons as it may refuse initial licensure or ~~[conditional]~~ provisional] licensure or discipline a licensee or ~~[conditional]~~ provisional] licensee.

18VAC160-20-109. Waterworks operator continuing profession education (CPE).

A. ~~Effective with the February 2003 license renewal cycle, each~~ Each licensed and ~~[conditionally]~~ provisionally] licensed waterworks operator shall have completed the following number of CPE contact hours required for his class of license:

1. Class I, II, and III operators shall obtain a minimum of 20 contact hours during each license renewal cycle.
2. Class IV operators shall obtain a minimum of 16 contact hours during each license renewal cycle.
3. Class V operators shall obtain a minimum of eight contact hours during each license renewal cycle.

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4. Class VI operators shall obtain a minimum of four contact hours during each license renewal cycle.

CPE provisions do not apply for the renewal of licenses or ~~conditional~~ provisional] licenses that were held for less than two years on the date of expiration.

- B. The subject matter addressed during CPE contact hours shall be limited to the content areas covered by the board's examination.
- C. Any course approved by the board for substitution as training credits or formal education semester hours, as provided for in 18VAC160-20-160, shall also be acceptable on an hour-for-hour basis for CPE contact hours. One semester hour of college credit shall equal 15 CPE contact hours, and one quarter hour of college credit shall equal 10 CPE credit hours.
- D. The following evidence shall be maintained to document completion of the hours of CPE specified in subsection A of this section:
 1. Evidence of completion of a structured training activity which shall consist of the name, address and telephone number of the sponsor;
 2. The dates the applicant participated in the training;

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3. Descriptive material of the subject matter presented; and
 4. A statement from the sponsor verifying the number of hours completed.
- E. Each licensee and [conditional provisional] licensee shall maintain evidence of the satisfactory completion of CPE for a period of at least one year following the end of the license renewal cycle for which the CPE was taken. Such documentation shall be in the form required by subsection D of this section and shall be provided to the board or its duly authorized agents upon request.
- F. The licensee or [conditional provisional] licensee shall not receive CPE credit for the same training course or structured training activity more than once during a single license renewal cycle to meet the CPE requirement unless the same training course or structured training activity is an annual requirement established by Virginia or federal regulations.
- G. The licensee or [conditional provisional] licensee may receive CPE credit for a training course or structured training activity which has been mandated by Virginia or federal regulation towards fulfilling the CPE requirement.

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H. The licensee or [conditional provisional] licensee may petition the board for additional time to meet the CPE requirement. However, CPE hours earned during a license renewal cycle to satisfy the CPE requirement of the preceding license renewal cycle shall be valid only for that preceding license renewal cycle.

18VAC160-20-140. Discipline.

The board has the power to discipline and fine any licensee or [conditional provisional] licensee and to suspend or revoke or refuse to renew or reinstate any license or [conditional provisional] license as well as the power to deny any application for a license or [conditional provisional] license under the provisions of Chapter 23 (§[54.1-2300](#) et seq.) of Title 54.1 of the Code of Virginia and this chapter for any of the following:

1. Obtaining or renewing a license or [conditional provisional] license through fraudulent means or misrepresentation;
2. Having been convicted or found guilty by a court in any jurisdiction of any felony or of any misdemeanor involving lying, cheating or stealing, or for activities carried out while engaged in waterworks or wastewater works activities, there being no appeal pending therefrom or the time for appeal having lapsed. Any plea of nolo contendere shall be

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considered a conviction for purposes of this subsection. A certified copy of a final order, decree or case decision by a court or regulatory agency with the lawful authority to issue such order, decree or case decision shall be prima facie evidence of such conviction or discipline.

The record of conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such guilt;

3. Not demonstrating reasonable care, judgment, or application of the required knowledge, skill and ability in the performance of the operating duties;
4. Violating or inducing another person to violate any provisions of Chapter 1, 2, 3 or 23 of Title 54.1 of the Code of Virginia, or of any provision of this chapter;
5. Having been found guilty by the board, an administrative body or by a court of any activity in the course of performing his operating duties that resulted in the harm or the threat of harm to human health or the environment;
6. Failing to inform the board in writing within 30 days of pleading guilty or nolo contendere or being convicted or found guilty, regardless of

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adjudication, of any felony which resulted in the harm or the threat of harm to human health or the environment. Failing to inform the board in writing within 30 days of pleading guilty or nolo contendere or being convicted of or found guilty, regardless of adjudication, of any felony or of any misdemeanor for activities carried out while engaged in waterworks or wastewater works activities or involving lying, cheating or stealing; or

7. Negligence, or a continued pattern of incompetence, in the practice as a waterworks or wastewater works operator.

I certify that this regulation is full, true, and correctly dated.

(Signature of Certifying Official)

David E. Dick, Executive Director

Board for Waterworks and Wastewater Works
Operators

Date: _____